PATENT APPLICATION
Attorney Docket No. 3561-102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: | Victor Lu, et al. | Confirmation No.: | 6064 |
| Serial No.: | 10/053,541 | Examiner: | Ranodhi N. Serrao |
| Filed: | November 2, 2001 | Group Art Unit: | 2141 |
| For: | SYSTEM AND METHOD FOR GENERATING AND REPORTING COOKIE VALUES AT A CLIENT NODE | | |
| Date: | May 5, 2008 | | |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST
FOR REVIEW

Applicants respectfully request review of the final rejection dated February 5, 2008 in the above-identified application. No amendments are being filed with this request. In compliance with the provisions set forth in the New Pre-Appeal Brief Conference Pilot Program, this request is being filed with a Notice of Appeal.

Applicants provide the following reasons for Pre-Appeal Brief Review.

## Pre-Appeal Brief Request For Review

The following is a pre-appeal brief requesting review of clear factual errors made during the course of rejecting pending claims of U.S. Patent Application No. 10/053,541. Removal or further clarification of these errors would facilitate prosecution of the application.

The pending application includes a total of 12 claims – two of them [1 and 14] independent. All claims continue to be rejected under 35 U.S.C. §103(a) as being obvious in view of a combination of various prior art, and in particular U.S. Patent No. 6,327,609 ("Ludewig") for claims 1-8. The Examiner makes factual errors in ascribing teachings to Ludewig that do not exist.

### Operation of Invention

The present invention is directed to a novel method for tracking web traffic that circumvents security features found in modern web browsers that act to prevent storage of third-party cookies. An example of a third-party cookie can be found in FIG. 3 below (from the present patent application) where the "first party" is the web page server 30—where the client/visitor 36 (e.g. the "second party") seeks to obtain information via a first-party web page—and the "third party" is an ad provider 52 that seeks to serve additional ad content to the client/visitor responsive to the original first-party request. This security feature allows clients/visitors to maintain their privacy from unknown third-party entities by preventing third-party web sites from tracking their activity (e.g. purchases, visits, etc.) on first-party web sites.

FIG. 3

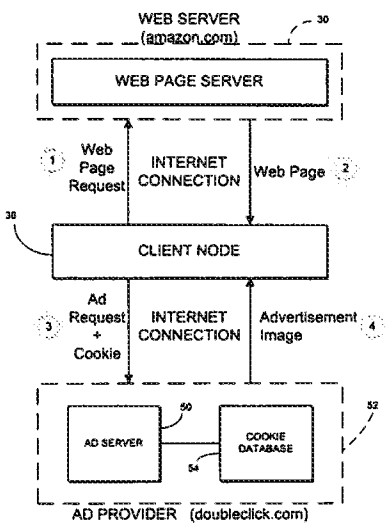
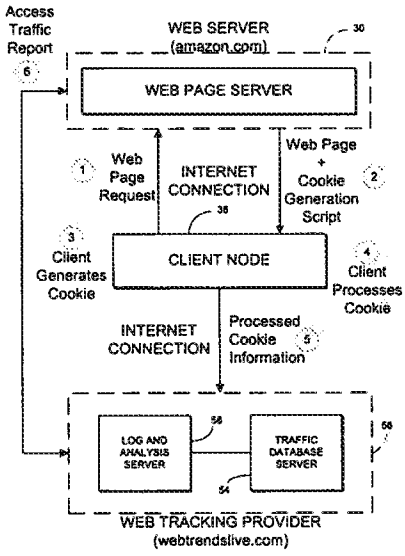



FIG. 5



The method of the invention shown above right circumvents these security features by serving cookie generation script together with the first-party web page:

CLAIM 1 – "storing a web page on a first server . . . said web page having . . . cookie processing script."

CLAIM 14 – "embedding cookie processing script, associated with a different domain than a domain of the web page, within the web page."

*Ludewig does not store cookie processing script within the web page at the first server, but rather transmits it from a third-party server*

The Ludewig reference is shown in its FIG. 3 below where client 135 initially makes a Web page request 310 from server 110 and, in response, server 110 transmits the requested web page 320 to client 135. [Ludewig, col. 5, lines 10-12] The web page 320 triggers an applet request 340 from client 135 **to a third-party server** 150, and a subsequent Java applet 330 is downloaded. [Ludewig, col. 5, lines 25-28] In this way, Ludewig is essentially the same as prior art FIG. 3 from the present application. Compare the two below:

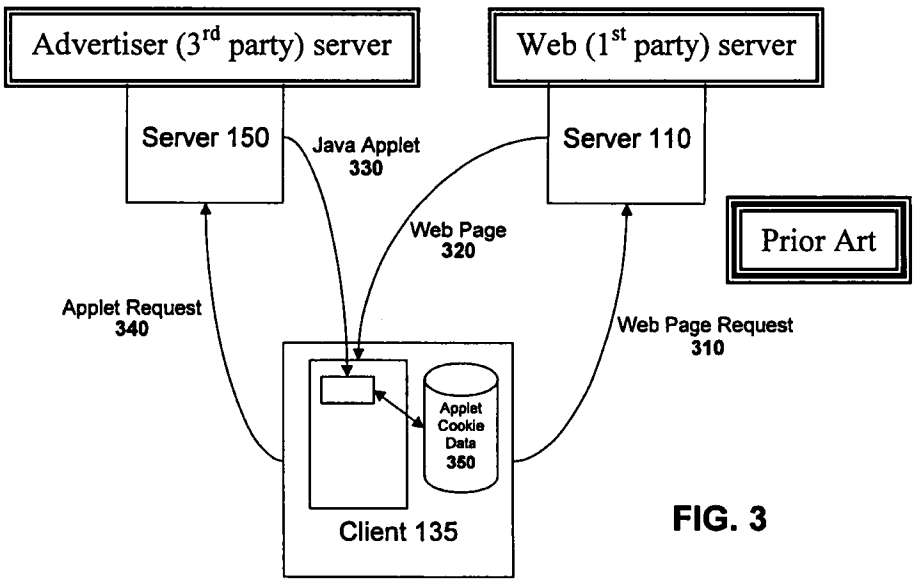



FIG. 3

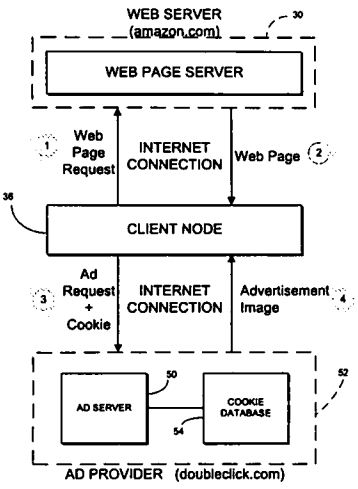



FIG. 3

Ludewig makes reference several times to "an applet embedded in a Web page" [Ludewig, col. 5, line 37, 45]. However, this is a technical misstatement since Ludewig FIG. 3 above-left clearly shows the applet request 340, and the resulting applet 330 as being served from the external third-party server 150. Even assuming that the served Java applet stores a cookie, the applet itself is not "stored on a web page on a first server" as would be required to

teach limitations of pending claim 1. Ludewig clarifies, in fact, that the Java applet is a "subsequent" download to the web page [col. 5, line 25] as from place-holders within the original web page. This does not change the fact that the Java applet is stored at and served from the third-party server and not the first-party server.

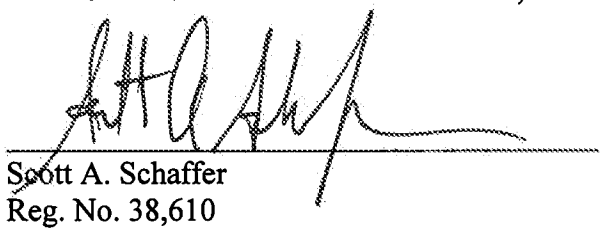
*Ludewig does not operate the cookie processing script at the visitor computer on the web browsing data to obtain new cookie values per claim 1*

Claim 1 states that the cookie processing script is operated at the visitor computer **on the web browsing data** (obtained by data mining code embedded within the web page) to obtain new cookie values. Ludewig, instead, updates the applet cookie to include data identifying the subject-matter of the applet. [col. 5, lines 44-45] The Ludewig applet does not consider web-browsing data—e.g. the page viewed, the time of the view, the length of stay on the page, the visitor's identification, etc.—but instead is concerned solely with the applets downloaded from its own third-party server.

Applicants believe that consideration of these factual/technical issues will help further prosecution on the merits and requests the same here.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



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